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9 Attorneys for Plaintiff

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11 DISTRICT
12 UNITED STATES MAGISTRATE COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15) No. CR 3-05-70164 JCS
16)
17) UNITED STATES OF AMERICA,) STIPULATION CONTINUING DATE OF
18) Plaintiff,) PRELIMINARY HEARING OR
19) v.) ARRAIGNMENT AND EXCLUDING
MADELINA CASTILLO, a/k/a) TIME UNDER THE SPEEDY TRIAL ACT
Angelina Gomez-Golpe,) CALCULATION (18 U.S.C. §
20) Defendant.) 3161(h)(8)(A)) AND [PROPOSED]
21) ORDER

22 On May 31, 2005, the parties in this case appeared before the Court and Ms. Castillo waived
23 her right to a preliminary hearing or arraignment within twenty days of her initial appearance.
24 Based on Ms. Castillo's waiver, the parties scheduled the next appearance in this matter for July
25 8, 2005 at 9:30 a.m. before Judge Chen for a preliminary hearing or arraignment.

26 The parties request this continuance on the grounds that: (1) Mr. Sugarman, counsel for
27 Ms. Castillo, is looking into potential immigration consequences related to the pending charges;
28 (2) Mr. Sugarman is collecting information to present to the United States that will be of

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 assistance in negotiating a disposition in this case; and (3) Mr. Sugarman believes that
2 postponing the preliminary hearing is in Ms. Castillo's best interest, and that it is not in his
3 client's interest for the United States to indict the case before the July 8, 2005 preliminary
4 hearing date. The parties agree that the requested continuance is necessary for continuity of
5 defense counsel and effective preparation of defense counsel.

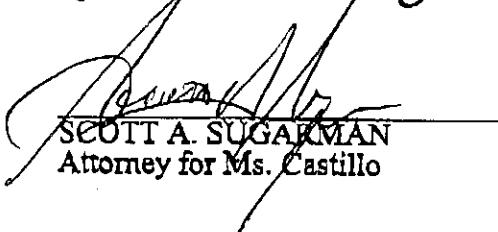
6 The parties stipulate and agree that the above-stated reasons constitute good cause to support
7 a continuance under Rule 5.1 of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3060.
8 The parties also stipulate and agree that the stated reasons support a continuance of the
9 preliminary hearing or arraignment date under Title 18, United States Code, Sections 3161(b)
10 and 3161(h)(8)(B)(iv) and that the failure to grant the requested continuance would deny counsel
11 for the defense the reasonable time necessary for effective preparation, taking into account the
12 exercise of due diligence.

13 IT IS SO STIPULATED.

14
15 DATED: June 1st, 05


DENEE A. DILUIGI
Special Assistant United States Attorney

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18 DATED: 6/7/05


SCOTT A. SUGARMAN
Attorney for Ms. Castillo

21 ORDER

22 For the foregoing reasons, the Court finds that good cause is shown and concludes that the
23 continuance is proper under Rule 5.1 of the Federal Rules of Criminal Procedure and 18 U.S.C. §
24 3060.

25 The Court FURTHER ORDERS that an exclusion of time between May 31, 2005 and July 8,
26 2005 is warranted under the Speedy Trial Act because a failure to grant the continuance would
27 unreasonably deny defense counsel and the reasonable time necessary for effective preparation,
28 taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The Court

1 finds that the ends of justice served by excluding time under the Speedy Trial Act outweigh the
2 best interest of the public and the defendant in a speedy trial and in the prompt disposition of
3 criminal cases. Id. § 3161(h)(A). The Court, therefore, concludes that this exclusion of time is
4 proper pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv).

5 The defendant is HEREBY ORDERED to appear before Judge Chen on July 8, 2005 at 9:30
6 a.m.

7 IT IS SO ORDERED.

8
9 DATED: June 10, 2005


ELIZABETH D. LAPORTE
United States Magistrate Judge